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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WILETTE JOY PARKER,

17 Defendant.
18
19
20

No. 06-70359 HRL

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

SAN JOSE VENUE

21 The undersigned parties respectfully request that the arraignment in the above-captioned
22 matter be continued from August 31, 2006 to September 14, 2006 at 9:30 a.m. before the
23 Honorable Judge Lloyd. Guy Caputo, who represents the defendant, is unavailable due to a trial
24 in state court. The defendant, through Mr. Caputo, has agreed to an exclusion of time under Rule
25 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from August 31, 2006 to
26 September 14, 2006. The parties agree and stipulate that an exclusion of time is appropriate
27 based on the defendant's need for continuity and effective preparation of counsel.

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E-Filing

FILED

AUG 30 2006

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

2
3 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

4
5 DATED: _____

/s/
GUY J. CAPUTO
Counsel for Ms. Parker

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8 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
9 continued to September 14, 2006 at 9:30 a.m. Good cause is shown and the continuance is
10 proper under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

11 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
12 Speedy Trial Act from August 31, 2006 until September 14, 2006. The Court finds, based on the
13 aforementioned reasons, that the ends of justice served by granting the requested continuance
14 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
15 the requested continuance would deny defense counsel reasonable time necessary for effective
16 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
17 of justice. The Court therefore concludes that this exclusion of time should be made under 18
18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

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21 DATED: 8/30/06


NANDOR J. VADAS
United States Magistrate Judge